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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/483,399	01/14/2000	Michael L. Trompower	TELNP200US	8324
23623 7590 08/01/2007 AMIN, TUROCY & CALVIN, LLP 1900 EAST 9TH STREET, NATIONAL CITY CENTER 24TH FLOOR, CLEVELAND, OH 44114			EXAMINER MEHRPOUR, NAGHMEH	
			ART UNIT 2617	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/483,399	<b>Applicant(s)</b> TROMPOWER, MICHAEL L.	
	<b>Examiner</b> Naghmeh Mehrpour	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-18 and 20-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-21 is/are allowed.
- 6) ☒ Claim(s) 2,3,7-18,32 and 33 is/are rejected.
- 7) ☒ Claim(s) 4-6,34 and 35 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. **Claims 2-3, 7-8, 18**, are rejected under 35 U.S.C. 102(e) as being anticipated by Paatelma (US Patent 6,463,042).

Regarding **Claim 2**, Paatelma teaches a cellular communication unit comprising:

a transmitter adapted to transmit data over an RF link (col 3 lines 60-65); and  
a power control module 18 coupled to the transmitter 14 (see figure 4), the power control module 18 adapted to receive a data packet having a first portion (header, col 5 lines 2-18) and a second portion (data portion) and transmit the first portion at a first transmission power and the second portion at a second transmission power. (Transmission of header portion at normal power, and remainder of the slot at reduced power relative to the header portion see col 4 lines 60-67, col 5 lines 1-5).

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Regarding **Claim 3**, Paatelma teaches a method wherein the first power and the second power are adjusted so that the first portion and the second portion are selected so that the first portion and the second portion have a similar transmission ranges (col 2 lines 51-54).

Regarding **Claim 7**, Paatelma teaches wherein the communication unit is an access point (col 4 lines 51-57). Paatelma teaches that the mobile station 10 need not to be mobile at all, but could be installed or used at a fixed station. The mobile can be capable of operating with one or more air interface standards, modulation types, and access types (see figure 4, col 4 lines 51-57).

Regarding **Claim 8**, Paatelma teaches that the communication unit is a mobile unit (col 4 lines 8-15).

Regarding **Claim 18**, Paatelma inherently teaches a unit wherein the communication unit is coupled to a network (col 3 lines 60-66) and the network provides the power control circuit 18 (see figure 4, col 5 lines 2-18) with information relating to the power transmission level of the first portion and the second portion (col 2 lines 34-54).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 9-17, 32**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Paatelma (US Patent 6,463,042) in view of Fisher et al.(US Patent Number 5,768,695).

Regarding **Claim 9**, Paatelma teaches a communicating system wherein the power control module receives the power data packet and dynamically controls the transmission power of the first portion and the second portions. Paatelma fails to teach the power control module includes power amplifier. However Fisher teaches a system/unit wherein the power control module includes a transmission power amplifier (col 3 lines 32-39). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Fisher with Paatelma, in order to provide a highly desirable system wherein a resource allocation independent from the network architecture and the associated transmission and processing delays.

Regarding **Claim 10**, Paatelma teaches a unit wherein the power control module 18 includes: a D/A converter that receives power data information in digital format and converts the power data information to an analog control signal (col 4 lines 20-29), the analog signal adapted to control, a transmission power module adapted to receive the

data packet, control the transmission power (col 4 lines 23-29). However Paatelma fails to teach that the power control module includes a power amplifier. However Fisher teaches the power control module includes a power amplifier (col 3 lines 34-39). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Fisher with Paatelma, in order to provide a system that has a better performance with high signal qualities.

Regarding **Claim 11**, Paatelma teaches a unit including a processor coupled to the D/A converter; processor transmits the power data information to the D/A converter (col 4 lines 22-29).

Regarding **Claim 12**, Paatelma teaches a unit 10 wherein including a receiver 16 coupled to the controller 18, the controller 18 includes processor, and the processor transmits the power data information to the D/A converter (col 4 lines 22-26).

Regarding **Claim 13**, Paatelma inherently teaches a unit wherein a receiver 16 coupled to controller 18 the controller 18 includes processor (col 4 lines 22-27), the receiver provides adapted to receive a transmission from the other communication unit transmitting information to receiver 14, the processor evaluating a range from the transmission and downloading power data information to the power control circuit based on a desired transmission range of the data packet (col 2 lines 36-54). In a cellular communication system, when communication between base station and mobile

established that the transmitter from BTS receive a signal from the Mobile, or vise versa. In order for the link between the transmitter and the receiver to be established, and the system operates, the power control should be based on the desired transmission range. The desired transmission range is the distance between the transmitter and receiver, therefore, if the transmitted signal does not reach the receiver the communication will not be established. Therefore, Paatelma inherently teaches the processor evaluating a range from the transmission and downloading power data information to the power control circuit based on a desired transmission range of the data packet, in order for the data packet to be received.

Regarding **Claim 14**, Paatelma teaches a unit wherein the power control module 18 includes a digital processor device, a microprocessor device, and various analogs to digital A/D converters, digital to analog D/A converters (col 4 lines 20-26). Paatelma fails to teach a unit wherein the processor coupled to the power data register stores the power data information. However Fischer teaches a unit wherein the controller (processor) is coupled to a data registers stores section (see figure 3, col 4 lines 27-35). Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made, to combine the above teaching of Fischer with Paatelma, in order to provide a highly desirable system wherein a resource allocation is independent from the network architecture and the associated transmission and processing delays.

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Regarding **Claim 15**, Paatelma fails to teach a unit wherein a processor is coupled to the power data register section; the processor transmits the power data information to the power data register section. However Fischer teaches that the power control module is coupled to a data register section module stores the power data information (col 4 lines 27-33). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Fischer with Paatelma, in order to provide a system that has a better performance with high signal qualities.

Regarding **Claim 16**, Paatelma teaches a receiver coupled to the processor, the receiver receives a transmission from other communication unit (col 4 lines 53-65).

Regarding **Claim 17**, Paatelma inherently teaches a cellular communication unit including transmission power information to the processor (controller 18) from transmission communication unit 14 transmitting information to the receiver 16 receives (see figure 4, col 4 lines 22-26), the processor (controller 18) evaluating a range from the transmission power Information and downloading power data information to the power control circuit based on a desired transmission range of the data packet (See figure 4, col 2 lines 34-41, col 4 lines 22-67, col 5 lines). In a cellular communication system, when communication between base station and mobile established that the transmitter from BTS receive a signal from the Mobile, or vise versa. In order for the link between the transmitter and the receiver to be established, and the system operates,



the power control should be based on the desired transmission range. The desired transmission range is the distance between the transmitter and receiver, therefore, if the transmitted signal does not reach the receiver the communication will not be established. Therefore, Paatelma inherently teaches the processor evaluating a range from the transmission and downloading power data information to the power control circuit based on a desired transmission range of the data packet (col 2 lines 36-54), in order for the data packet to be received.

Regarding **Claim 32**, Paatelma teaches a cellular system (col 3 lines 60-67, col 4 lines 1-6), the unit comprising:

means for transmitting a data packet having a first portion (header col 5 lines 2-18) and a second portion (col 2 lines 34-54);

means for dynamically adjusting the transmission power level of the first portion (header) with respect to the second portion (the remainder of the data) of the data packet coupled to the means for transmitting a data packet having a first portion and a second portion (col 5 lines 2-18); and

means for determining the transmission power levels of the first and second portion based on a desired transmission range for both the first and second portion (col 2 lines 32-41). In a cellular communication system, when communication between base station and mobile established that the transmitter from BTS receive a signal from the Mobile, or vise versa. In order for the link between the transmitter and the receiver to be established, and the system operates, the power control should be based on the

desired transmission range. The desired transmission range is the distance between the transmitter and receiver, therefore, if the transmitted signal does not reach the receiver the communication will not be established. Therefore, Paatelma inherently teaches the processor evaluating a range from the transmission and downloading power data information to the power control circuit based on a desired transmission range of the data packet (col 2 lines 36-54), in order for the data packet to be received.

***Allowable Subject Matter***

3. **Claims 4-6, 34-35**, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. **Claims 20-31**, are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding **claim 20**, the present application teaches a method of transmitting a data packet in a cellular communication system wherein transmitting a first portion of the data packet at a first transmission power level, a second portion at a second power level, and the third portion at a third power level as specifically mentioned in claim 20.

Regarding **claim 29**, the present application teaches an accesspoint system in a cellular communication system utilizing an IEEE 802.11 standard protocol wherein the power control module receives a data packet having PLCP permeable and PLCP header portion and a data portion and dynamically adjusts the transmission power of

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the packet during transmission of the packet, such that PLCP preamble portion begins transmitting at a first transmission power level and the data portion begins transmitting at a second transmission power level, the dynamic adjustment of transmission power made to facilitate the PLCP preamble and the data portion over a substantially similar transmission range as specifically mentioned on claim 29.

The closest prior art to the present application such as Paatelma et al. (US Publication 2004/0218570) teaches a variable rate transmission system for transmitting variable rate data including an accompanying signal indicative of the header portion folled by a dataportion. The system is arranged to transmit a downlink slot so that the Header portion is transmitted at a higher power level than the data portion when the data portion does not contain valid data so as to reduce system interference. Paatelma fails to teach an accesspoint system in a cellular communication system utilizing an IEEE 802.11 standard protocol wherein the power control module receives a data packet having PLCP permeable and PLCP header portion and a data portion and dynamically adjusts the transmission power of the packet during transmission of the packet, such that PLCP preamble portion begins transmitting at a first transmission power level and the data portion begins transmitting at a second transmission power level, the dynamic adjustment of transmission power made to facilitate the PLCP preamble and the data portion over a substantially similar transmission range as specifically mentioned on claim 29.

***Response to Arguments***

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5. Applicant's arguments filed 7/02/07 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., *Paatelma does not contemplate that by lowering the power of the data portion, the transmission range of the data portion will be smaller than the power of the data portion*) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Paatelma teaches a communicating system wherein the power control module receives the power data packet and dynamically controls the transmission power of the first portion and the second portions. Paatelma fails to teach the power control module includes power amplifier. However Fisher teaches a system/unit wherein the power control module includes a transmission power amplifier (col 3 lines 32-39). Therefore, by combining the above teaching of Fisher with Paatelma, providing a highly desirable

system wherein a resource allocation independent from the network architecture and the associated transmission and processing delays.

### **Conclusion**

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. **Any responses to this action should be mailed to:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 571-272-7913. The examiner can normally be reached on 8:00- 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah be reached (571) 272-7904.

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The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

July 30, 2007



NAGHMEH MEHRPOUR  
PRIMARY EXAMINER